

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE
LITIGATION

THIS DOCUMENT RELATES TO
01-CV-12257-PBS AND 01-CV-339

)
) MDL No. 1456
)

) CIVIL ACTION: 01-CV-12257-PBS
)

) Judge Patti B. Saris
)

) Chief Magistrate Judge Marianne B. Bowler
)

**PLAINTIFFS' MOTION TO COMPEL PRODUCTION OF DEFENDANTS'
CORRESPONDENCE WITH PUTATIVE CLASS MEMBERS**

Plaintiffs respectfully move this Court for an order compelling Defendants to produce all written communications that they have had with any putative class member in connection with this litigation since the litigation began, including correspondence related to the subpoenas that Defendants have served in this litigation.

In support of this motion, Plaintiffs submit the attached Memorandum in Support of Motion to Compel Production of Defendants' Correspondence with Putative Class Members, and the pleadings and record on file herein.

CERTIFICATION PURSUANT TO LOCAL RULE 7.1

Pursuant to Local Rule 7.1(a)(2), the undersigned hereby certify that counsel for Plaintiffs contacted counsel for Defendants regarding the issues addressed in this motion, but was unable to resolve the issues.

DATED: October 1, 2004

By /s/ Steve W. Berman

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CERTIFICATE OF SERVICE

I hereby certify that I, Steve W. Berman, an attorney, caused a true and correct copy of the foregoing **PLAINTIFFS' MOTION TO COMPEL PRODUCTION OF DEFENDANTS' CORRESPONDENCE WITH PUTATIVE CLASS MEMBERS** to be delivered to all counsel of record by electronic service pursuant to Paragraph 11 of the Case Management Order No. 2, by sending on October 1, 2004, a copy to Verilaw Technologies for Posting and notification to all parties

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